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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,014	04/20/2004	Oleg Bondarenko	P5141C1	5979
24739 7590 03/17/2009 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076				
EXAMINER				
JONES, PRENELL P				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,014

Applicant(s)

BONDARENKO ET AL.

Examiner

PRENELL P. JONES

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 23, 26-30, 33, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 24, 25, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 22-35 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues that the prior art of Anisimov et al (US Pat 6,449,358) fails to teach all the limitations of the previously rejected claims 22 and 29.
3. Specifically, Applicant argues that the Anisimov fail to teach monitoring (Stat server) facility being accessed by an interface (IVR), and that the interface (IVR) provides at least one aspect of agent status.
4. Examiner withdraws previous 102 rejections with respect to claims 22 and 29.
5. Additional search performed, wherein additional prior art was obtained.
6. In light of the results of an additional search, Examiner withdraws previous objections regarding claims 23-28 and 30-35.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claim 22 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Voit (US Pat 5,696,809).

Regarding claim 22 and 29, Voit (US Pat 5,696,809) discloses a communication system wherein the architecture includes ACD (monitoring facility) system that monitors the status of various agents, and determines when an agent in a work center (communication center/call center) becomes available to a customer initiating a call (col. 5, line 24-31, monitoring facility tracking status of agents in at least one communication center). The architecture further includes various interfaces which are coupled to and has access to the ACD. Interfaces include the customer telephone (user interface) and Graphical user interface display (GUI is a control function provided by RISC 6000 software system) and GDI/get data interface wherein data associated with EWT and agent status is provided from ACD (Fig. 1, 2 and 4, col. 11, line 18-27, col. 19, line 50 thru col. 20, line 20, line 4, col. 21, line 33-40, wherein when the monitoring facility is accessed through user interface, the monitoring facility provides at least agent status and EWT for contact with an agent).

9. Claim 22, 23, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al (US Pat 6,188,673).

Regarding claims 22 and 29, Bauer discloses a communication system wherein the architecture includes a call center associated with accessing World Wide Web pages, which includes monitoring facility (CMS and ACD) that monitors/manages call requests and agent status, such as scheduling availability (wait time). Bauer further discloses a caller accessing call center (CMS and ACD) via a telephone or personal computer with soft phone/user interface (Abstract, Fig. 1, col. 3, line 58 thru col. 4, line 4, monitoring facility tracking status of agents in communication center, monitoring facility accessed via user interface). Such scheduling availability specifically includes EWT (col. 5, line 20-35), which is provided by a unit of the call

center, such as the CMS of ACD (col. 5, line 59-67, monitoring facility provides agent status, and EWT for contact with an agent).

Regarding claim 23 and 30, Bauer further discloses caller accesses World Wide Web, (col. 4, line 51-64, col. 5, line 8), wherein it is inherent that user interface included a link to a URL in order to access Web pages.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 23, 26-28, 30, 33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (US Pat 5,696,809) in view of Flockhart et al (US Pat 6,820,260).

Regarding claim 23 and 30, as indicated above, Voit discloses ACD system that monitors the status of various agents, EWT, and determines when an agent in a work center (communication center/call center) becomes available to a customer initiating a call. In addition, Voit further discloses various interfaces which are coupled to the ACD. Interfaces include the customer telephone (user interface) and Graphical user interface display (GUI is a control function provided by RISC 6000 software system) and GDI/get data interface wherein data associated with EWT and agent status is provided from ACD.

Although Voit is silent on user interface including a link to a URL providing a Web page, in a communication system, wherein the client/caller/user (user interface) communicates with a call center that consists of an ACD, Flockhart et al (US Pat 6,820,260) discloses an architecture that demonstrates the client/caller/user (user interface) communicating to the call center/ACD via Internet and Telephone networks (Fig. 1). The client includes IP phone and Web browser, which allows the client/caller/user to access the Internet/World Wide Web (col. 4, line 30-35, user interface includes a link to a URL providing a Web page).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to be motivated to utilize URL to access Web pages via a customer/user interface as taught by Flockhart with the teachings of Voit for the purpose of further delivery of voice and text data in an advanced intelligent network which includes IP communication.

Regarding claim 26, 27, 33 and 34, as indicated above, Voit discloses ACD system that monitors the status of various agents, EWT, and determines when an agent in a work center (communication center/call center) becomes available to a customer initiating a call. In addition, Voit further discloses various interfaces which are coupled to the ACD. Interfaces include the customer telephone (user interface) and Graphical user interface display (GUI is a control

function provided by RISC 6000 software system) and GDI/get data interface wherein data associated with EWT and agent status is provided from ACD.

Although Voit is silent on user interface including mechanism for selecting media type for communication with agents at the communication centers, Flockhart discloses client/user selects type of entertainment or information from a list of options, such as audiovisual entertainment, music ect.. (col. 4, line 20-47, user interface including mechanism for selecting media type for communication with agents at the communication centers). Flockhart further discloses customer/client/user interface communicating via e-mail and voice call (col. 2, line 33-34, col. 4, line 3).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to be motivated to implement user interface including mechanism for selecting media type as taught by Flockhart with the teachings of Voit for the purpose of further delivery of multimedia data in an advanced intelligent network which includes IP communication with minimal contention.

Regarding claims 28 and 35, as indicated above, combined Voit and Flockhart discloses Voit discloses ACD system that monitors the status of various agents, EWT, and determines when an agent in a work center (communication center/call center) becomes available to a customer initiating a call. In addition, Voit further discloses various interfaces which are coupled to the ACD. Interfaces include the customer telephone (user interface) and Graphical user interface display (GUI is a control function provided by RISC 6000 software system) and GDI/get data interface wherein data associated with EWT and agent status is provided from ACD, client/user selects type of entertainment or information from a list of options, such as audiovisual entertainment, music, e-mail and voice call.

Although Voit fails to disclose monitoring facility displaying selected agent status, Flockhart further discloses ACD displaying selected and customized information as well as agent status as associated with EWT (col. 4, line 48-64, monitoring facility displaying selected agent status).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to be motivated to implement monitoring facility displaying selected agent status as taught by Flockhart with the teachings of Voit for the purpose of further delivery of multimedia data in an advanced intelligent network which includes IP communication with minimal contention.

Allowable Subject Matter

13. Claims 24, 25, 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to teach or suggest with respect to claim 24 and 31, user interface includes a call hyperlink, which when selected places an IPNT call to one of the communication centers. Claims 25 and 32 depend on claims 24 and 31 respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

/PJ /

March 11, 2009

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2419

3/12/09